

Sec. 16. STATE MANDATE. For purposes of section 25B.2, subsection 3, the moneys received from fees which are permitted to be charged under this Act shall constitute full funding of any state mandate which is not otherwise excluded from the requirements of that subsection and which is imposed upon a political subdivision under this Act.

Sec. 17. APPLICABILITY OF ACT – TRANSITION PROVISIONS.

1. The registration requirements of this Act shall apply to persons convicted of criminal offenses against a minor, sexual exploitation, or a sexually violent offense prior to the effective date of this Act but who are released on or after the effective date of this Act, are participating in a work release or institutional work release program on or after the effective date of this Act, or who are under parole or probation supervision by a judicial district department of correctional services on or after the effective date of this Act.

2. Persons required to register under subsection 1, shall register for a period of ten years commencing with the later of either the effective date of this Act, or the date of the person's release from confinement, release on work release or institutional work release, or release on parole or probation. For persons released from confinement, registration shall be initiated by the warden or superintendent in charge of the place of confinement in the same manner as provided in section 692A.5. For persons who are under parole or probation supervision, the person's parole or probation officer shall inform the person of the person's duty to register and shall obtain the registration information required under section 692A.5.

Sec. 18. SEVERABILITY OF ACT. If any provision of this Act or the application of this Act to any person is held invalid, the invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

Approved May 3, 1995

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## CHAPTER 147

### CHILD ABUSE AND TERMINATION OF PARENTAL RIGHTS

S.F. 208

**AN ACT** relating to child abuse and termination of parental rights provisions, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. IOWA CHILD DEATH REVIEW TEAM – FINDINGS AND PURPOSE.

1. The general assembly finds the following:
  - a. Protection of the health and welfare of the children of this state is a goal of its people and the death of children is an important public health concern that requires legislative action.
  - b. Collecting accurate data on the cause and manner of deaths will better enable the state to identify preventable deaths, and thus help reduce the incidence of such deaths.
  - c. Multidisciplinary review of child deaths is a mechanism to assist the state in developing a greater understanding of the incidence and causes of child deaths and the methods for prevention of such deaths.
2. The purpose of the child death review team is to aid in the reduction of the incidence of serious injury and death to children by accurately identifying the cause and manner of death of children.

**Sec. 2. NEW SECTION. 135.43 IOWA CHILD DEATH REVIEW TEAM ESTABLISHED – DUTIES.**

1. An Iowa child death review team is established as an independent agency of state government. The Iowa department of public health shall provide staffing and administrative support to the team.

2. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the director of public health in consultation with the director of human services. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the chairperson, upon the request of a state agency, or as determined by the review team. The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties.

The review team shall include the following:

- a. The state medical examiner or the state medical examiner's designee.
- b. A certified or licensed professional who is knowledgeable concerning sudden infant death syndrome.
- c. A pediatrician who is knowledgeable concerning deaths of children.
- d. A family practice physician who is knowledgeable concerning deaths of children.
- e. One mental health professional who is knowledgeable concerning deaths of children.
- f. One social worker who is knowledgeable concerning deaths of children.
- g. A certified or licensed professional who is knowledgeable concerning domestic violence.
- h. A professional who is knowledgeable concerning substance abuse.
- i. A local law enforcement official.
- j. A county attorney.
- k. An emergency room nurse who is knowledgeable concerning the deaths of children.
- l. A perinatal expert.
- m. A representative of the health insurance industry.
- n. One other appointed at large.

3. The review team shall perform the following duties:

- a. Collect, review, and analyze child death certificates and child death data, including patient records or other pertinent confidential information concerning the deaths of children age six or younger, and other information as the review team deems appropriate for use in preparing an annual report to the governor and the general assembly concerning the causes and manner of child deaths. The report shall include analysis of factual information obtained through review and recommendations regarding prevention of child deaths.
  - b. Recommend to the governor and the general assembly interventions to prevent deaths of children based on an analysis of the cause and manner of such deaths.
  - c. Recommend to the agencies represented on the review team changes which may prevent child deaths.
  - d. Maintain the confidentiality of any patient records or other confidential information reviewed.
  - e. Develop protocols for and establish a committee to review child abuse investigations which involve the death of a child.
4. The following individuals shall designate a liaison to assist the review team in fulfilling its responsibilities:
- a. Director of public health.
  - b. Director of human services.
  - c. Commissioner of public safety.
  - d. Administrator of the division of vital records of the Iowa department of public health.

- e. Attorney general.
  - f. Director of transportation.
  - g. Director of the department of education.
5. The review team may establish subcommittees to which the team may delegate some or all of the team's responsibilities under subsection 3.
6. The Iowa department of public health and the department of human services shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child death and child abuse review responsibilities.

Sec. 3. Section 232.2, subsection 22, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Guardian ad litem" means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, subsections 1 and 4, and section 232.103, subsection 2, paragraph "c", and section 232.111.

Sec. 4. Section 232.71, subsection 1, Code 1995, is amended to read as follows:

1. If a report is determined to constitute a child abuse allegation, the department of human services shall promptly commence an appropriate investigation. The primary purpose of this investigation shall be the protection of the child named in the report. The department, within five working days of commencing the investigation, shall provide written notification of the investigation to the child's parents. However, if the department shows the court to the court's satisfaction that notification is likely to endanger the child or other persons, the court shall orally direct the department to withhold notification. Within one working day of issuing an oral directive, the court shall issue a written order restraining the notification. The department shall not reveal in the written notification to the parents or otherwise the identity of the reporter of child abuse during an investigation to a subject of a child abuse report listed in section 235A.15, subsection 2, paragraph "a". If a report is determined not to constitute a child abuse allegation, but a criminal act harming a child is alleged, the department shall immediately refer the matter to the appropriate law enforcement agency.

Sec. 5. **NEW SECTION.** 232.71A CHILD ABUSE ASSESSMENT PILOT PROJECTS.

1. The department shall develop an assessment-based approach to respond to child abuse reports in accordance with the provisions of this section. The assessment-based approach shall be utilized on a pilot project basis in not more than five areas of the state, each of which is at least the size of a departmental county cluster, selected by the department. The pilot projects shall be selected in a manner so the pilot projects are in both rural and urban areas.

2. Notwithstanding the provisions of sections 232.70 and 232.71, in the pilot project areas, the department's responsibilities in responding to a child abuse report shall be in accordance with this section.

3. Upon receipt of a child abuse report in a pilot project area, the department shall perform an assessment. The department shall commence the assessment within seventy-two hours of the receipt of the report. The primary purpose of the assessment shall be to protect the safety of the child named in the report. The secondary purpose of the assessment shall be to engage the child's family in services to enhance family strengths and to address needs.

4. An assessment is subject to the provisions of section 232.71 as though the department is performing an investigation under that section for all of the following:

- a. Notification of a child's parents in accordance with section 232.71, subsection 1.

b. Interview of a person alleged to have committed the child abuse in accordance with section 232.71, subsection 2, paragraph "e".

c. Notification of a facility providing care to a child in accordance with section 232.71, subsection 4.

d. Request for information from any person believed to have knowledge of a child abuse case and referral of a child to a physician in accordance with section 232.71, subsection 5.

e. Confidential access to a child in accordance with section 232.71, subsection 6.

f. Requests for information from the department of public safety in accordance with section 232.71, subsection 16.

g. Establishment and usage of a multidisciplinary team in accordance with section 232.71, subsection 17.

5. A child abuse assessment shall be completed in writing within twenty-one calendar days of the receipt of the report. The assessment shall include a description of the child's condition, identification of the injury or risk to which the child was exposed, the circumstances which led to the injury or risk to the child, and the identity of any person alleged to be responsible for the injury or risk to the child. In addition, the assessment shall identify the strengths and needs of the child, and of the child's parent, home, family, and community. Upon completion of the assessment, the department shall consult with the child's family in offering services to the child and the child's family to address strengths and needs identified in the assessment.

6. The department shall provide the county attorney with a written copy of any assessment which includes a recommendation for a juvenile or criminal court action or petition. The county attorney shall notify the department of any action taken concerning an assessment provided by the department.

7. Notwithstanding contrary provisions of sections 235A.13 to 235A.23, the following requirements shall apply to child abuse information in an assessment performed in accordance with this section:

a. If the department determines the child suffered significant injury or was placed in great risk of injury, the name of the child and the alleged perpetrator of the child abuse shall be placed in the central registry as a case of founded child abuse. Any of the following shall be considered to be an indicator that the child suffered significant injury or was placed in great risk of injury:

(1) The case was referred for juvenile or criminal court action as a result of the acts or omissions of the alleged perpetrator.

(2) In the opinion of a health practitioner or mental health professional, the injury to the child as a result of the acts or omission of the alleged perpetrator required or should have required medical or mental health treatment.

(3) The department determines in a subsequent assessment that the child suffered significant injury or was placed in great risk of injury due to the acts or omissions of the same alleged perpetrator.

b. In any other case, the child abuse information in an assessment shall not be placed in the central registry and notwithstanding chapter 22, the confidentiality of the information shall be maintained.

c. If information is placed in the central registry as a case of founded child abuse, all of the provisions of sections 235A.13 to 235A.23 which apply to a case of founded child abuse shall apply to a case of founded child abuse under this section.

8. The department shall implement the pilot projects by January 15, 1996. The department shall report to the governor and the general assembly concerning the pilot projects on or before February 29, 1996. The report shall include a description of successes and problems encountered in implementing the pilot projects. It is the intent of the general assembly to implement statewide an assessment-based approach to respond to child abuse reports commencing with the fiscal year beginning July 1, 1996.

Sec. 6. Section 232.111, subsection 1, Code 1995, is amended to read as follows:

1. A child's guardian, guardian ad litem, or custodian, the department of human services,

a juvenile court officer, or the county attorney may file a petition for termination of the parent-child relationship and parental rights with respect to a child.

**Sec. 7. MULTIDISCIPLINARY CHILD ABUSE INTERVENTION AND PROSECUTION TEAMS.** The attorney general is requested to form a multidisciplinary committee to develop a proposal for the establishment of regional multidisciplinary teams to focus upon child abuse prosecution and intervention needs. The attorney general is requested to submit a report of the committee findings to the governor and the general assembly prior to the 1996 legislative session. The committee should consider other state statutory schemes for multidisciplinary teams, provide options for regional groupings, review options for special focus teams such as sexual abuse, and recommend possible funding mechanisms.

**Sec. 8. REPEAL.** 1994 Iowa Acts, chapter 1130, sections 9 and 20, are repealed.

**Sec. 9. DEPARTMENT OF HUMAN SERVICES PILOT PROJECTS.** In implementing the pilot projects for child abuse assessment required under section 232.71A, as enacted by this Act, the department may apply a special protocol for conducting an assessment in response to a child abuse report to which all of the following circumstances apply:

1. Three previous child abuse reports have been made involving the same alleged perpetrator or a family member of the alleged perpetrator.

2. The three previous reports were made within a period of two years prior to the date of the latest report.

3. The assessments resulting from the previous three reports did not identify any child protection concerns.

The special protocol may involve an abbreviated assessment process, such as a telephone contact or other means, to address the abuse allegation without subjecting the family of the alleged perpetrator to repeated or extensive assessments regarding abuse allegations which have no basis.

**Sec. 10. EFFECTIVE DATE.** Section 8 of this Act, providing a repeal, being deemed of immediate importance, takes effect upon enactment.

Approved May 3, 1995

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## CHAPTER 148

### REGULATION OF STATE BANKS AND OTHER FINANCIAL INSTITUTIONS

S.F. 320

**AN ACT** relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 524.103, Code 1995, is amended by adding the following new subsections:

**NEW SUBSECTION. 2A.** "Aggregate capital" means the sum of capital, surplus, undivided profits, and reserves as of the most recent calculation date.

**NEW SUBSECTION. 8A.** "Borrower" means a person named as a borrower or debtor in a loan or extension of credit, or any other person, including a drawer, endorser, or guarantor, deemed to be a borrower under section 524.904, subsection 3.